

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GWENDOLYN G. CARANCHINI)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:10-CV-00672-DGK
)	(consolidated with 4:11-cv-0464)
BANK OF AMERICA, N.A., et al.)	
)	
Defendants.)	

ORDER DENYING PLAINTIFF’S MOTION FOR RECUSAL

This case concerns the mortgage on Plaintiff’s home. Plaintiff brought this lawsuit as state foreclosure proceedings were being threatened. Plaintiff, a former member of the Missouri Bar who is representing herself, alleges that after receiving a mortgage through Aegis Lending Corporation, the note was sold to a succession of different entities, none of whom properly recorded their interest or communicated with her. Plaintiff asserts that as a result, she is the sole lawful owner of the property securing the mortgage.

Now before the Court is Plaintiff’s second “Renewed Motion For Recusal” (Doc. 185), the third motion for recusal Plaintiff has filed in this case,¹ and Plaintiff’s “Request for Stay of Case Pending the Court’s Ruling on Plaintiff’s Renewed Request for Recusal” (Doc. 186). Plaintiff alleges that the Court is biased against her because the Court’s rulings have all been “biased” against her. That is, the Court has not ruled in Plaintiff’s favor.

The motion does not specify any particular statute or rule under which it is brought, but it appears to be brought pursuant to 28 U.S.C. § 455(a) which states that “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” The fact that the Court has not found any merit to

¹ If motions filed in the companion case are included, this would be the fourth motion for recusal Plaintiff has filed.

the legal arguments advanced by Plaintiff in this case does not mean that the Court is biased or that the Court's impartiality may reasonably be questioned. Finding that the Court's impartiality cannot reasonably be questioned here, the motion is DENIED.

Plaintiff's "Request for Stay of Case Pending the Court's Ruling on Plaintiff's Renewed Request for Recusal" (Doc. 186) is DENIED AS MOOT.

IT IS SO ORDERED.

Date: June 4, 2012

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT